



"The City With a Heart"

Jim Ruane, Mayor
Rico E. Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

MINUTES

SAN BRUNO CITY COUNCIL

December 14, 2010

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on December 14, 2010 at the San Bruno Senior Center, 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Ruane, Vice Mayor Medina and Council Members O'Connell, Ibarra and Salazar. Recording by Clerk Bonner. **Martin of San Bruno Patch** Led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Ruane announced there would not be a City Council Meeting on the Fourth Tuesday in December. He also announced there would be a Town Hall meeting at the Senior Center from 2:00 to 4:00 p.m. this Sunday, December 19 with Jackie Speier.

Councilmember O'Connell said on Wednesday, January 5 at 7:00 p.m. there would be a sub-committee meeting at the Senior Center where they will be looking for input on how to distribute the money donated to the Glenview Fire victims.

4. PRESENTATIONS:

Conduct Annual Reorganization of the City Council and Appointment of Vice Mayor to Serve a One-Year Term.

Mayor Ruane said our new Vice Mayor would be Councilmember Salazar.

Mayor Ruane brought Item 10.c. forward and confirmed the Council liaisons for 2011.

5. REVIEW OF AGENDA:

Mayor Ruane moved Item 11 to follow Item 8.

6. APPROVAL OF MINUTES: Regular City Council Meeting of November 23, 2010 and Special Council Meeting of November 30, 2010., approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of November 21, 2010.

b. **Approve:** Accounts Payable of November 22 and 29 and December 6, 2010.

c. **Waive:** Second Reading and Adopt Ordinance of the City of San Bruno adding Chapter 12.96.195 to the San Bruno Municipal Code, Which Creates the "Glenview (G) Rebuild Overlay Zone" and Associated Development Regulations for the Properties Damaged or Destroyed by the Glenview Fire and Amends the Zoning Map to Rezone the Properties Damaged or Destroyed by the Fire to R-1-G.

d. **Adopt:** Resolution Authorizing the City Manager to Amend the Contract with the San Mateo County Sheriff's Office in the Additional Amount of \$225,000 for Extending Period for Security Services in the Glenview Fire Area.

e. **Review:** and Accept Annual Report on Development Impact Fees for Year Ended June 30, 2010.

f. **Adopt:** Resolution Approving an Amended Flexible Spending Account Plan Document.

City Manager Jackson asked Item 7.d. be pulled in order to provide additional analysis.

M/S Ibarra/O’Connell to pull Item 7.d. and passed with all ayes.

M/S Ibarra/Medina to approve the consent calendar and passed with all ayes.

8. PUBLIC HEARINGS:

Hold Public Hearing, Waive First Reading, and Introduce an Ordinance of the City of San Bruno Adding New Chapter 1.35, “Developer Indemnification” to Title 1 (General Provisions) of the San Bruno Municipal Code.

Interim City Attorney Lanzone gave an overview of the staff report and asked for Council approval.

Mayor Ruane opened the public hearing, no one wished to speak.

M/S Medina/Ibarra to close the public hearing and passed with all ayes.

M/S Ibarra/Medina to waive first reading and passed with all ayes.

Councilmember Ibarra introduced the ordinance for adoption and passed with a unanimous vote.

11. Eric Wood, Vice Chairman, Traffic, Safety & Parking Committee gave an overview of what the committee has done over the past year and their plans for the coming year.

Councilmember Ibarra applauded the Committee’s accomplishments.

Mayor Ruane said he appreciated the Committee’s work.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Alan Braun, Claremont Dr. said waiting until January 5 to have a subcommittee meeting was too late to provide relief for the fire victims.

Mayor Ruane said there have been efforts to help the victims from the beginning. He said it might not move fast enough, but the thought is to see where the money is really needed.

Councilmember Ibarra said the Lions Club has collected money and they have chosen not to contact the families for their privacy. Their priority is to help the 55 families, and he asked Alan Braun help him.

Councilmember Medina said Friends Helping Friends at St. Robert’s has raised money, and if Alan Braun knows of someone who needs help, St. Robert’s is a viable option where they can get help for the holidays.

Mayor Ruane said the subcommittee members are Councilmembers O’Connell and Salazar.

Councilmember O’Connell said the subcommittee’s task is to bring back the information they gather to the full Council for their recommendations.

Alan Braun suggested information be posted on the City website.

Councilmember O’Connell said there is a hot line to help anyone who needs help. **City Manager Jackson** said the number is (650) 616-7180. She also said the City has a number of staff who are assigned as liaisons with the families who are displaced.

Bob George, HIP Housing presented calendars to Council.

10. CONDUCT OF BUSINESS:

a. Receive Oral Report and Review Status of Local Emergency Related to the Glenview Fire Area and Adopt Resolution Continuing Declaration of Local Emergency.

City Manager Jackson said they want to continue the emergency through the wet period and asked for Council's approval.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

b. Adopt Resolution Authorizing City Manager to Execute Contract with Pacific States Environmental in the Amount of \$90,800 for the Demolition of Three Homes Declared Total Losses from the Glenview Fire.

Community Services Director Akin gave an overview of the staff report, stated PG&E and agreed to finance the funds and asked for questions.

Councilmember Ibarra asked about the 55 homes within the overlay section and clarified there are 17 homes yellow tagged, but uninhabited? **Akin** concurred. **Councilmember Ibarra** asked if there is any chance they need to be demolished? **Akin** said there are some homes where certain parts of their homes will have to be demolished.

Vice Mayor Salazar asked why the three homes wouldn't require hazardous material removal? **Akin** said there was a specific process followed; however, these houses will have to go through the typical air quality management district requirements for asbestos removal.

Vice Mayor Salazar noted the initial cost for the 35 homes destroyed was not finalized and he asked what still needed to be done? **Akin** said it might change by \$15,000. or \$20,000; however, it is just an estimate.

Councilmember Medina introduced the resolution for adoption and passed with a unanimous vote.

c. Confirm City Councilmember Liaison Assignments with Citizen Advisory Committees (moved to Presentations).

d. Conduct Appeal Hearing Related to Award of Bid for Purchase of Mobile and Portable Radios.

Administrative Services Director O'Leary gave an overview of the staff report and asked for questions.

Philip Williams, Williams, USA, appealed his bid for the purchase of mobile and portable radios. He pointed out his radios were compliant and less expensive.

Vice Mayor Salazar noted the original bid did not meet all of the specifications. He asked Mr. Williams is the model or any of the those specifications proposed? **Williams** said no.

Vice Mayor Salazar asked if any of the requirements were unclear or put him at a disadvantage in the bidding process? **Williams** stated the five channels and the voice annunciation.

Administrative Services Director said the only comment in writing he took personal offense to was an accountant was not qualified to do brain surgery.

Councilmember Medina said he wanted to meet with City people? **Williams** said he left several messages with Mr. Telles and no one ever took him up on his offer. **Councilmember**

Medina said Mr. Williams requested a special meeting with Council by contacting them individually, and pointed out Council cannot do that because it is a violation of the Brown Act.

Councilmember O'Connell asked where the specifications for the radios came from? **Fire Chief Haag** said all four agencies and their personnel pulled the specifications together.

Councilmember O'Connell asked if all the cities are getting the same radios? **Fire Chief Haag** concurred.

Councilmember O'Connell are their specific specifications we need to follow to get grant money? **O'Leary** said the City has been awarded a grant from FEMA that will cover 80% of the cost for radios for the four agencies. San Bruno was the lead agency in submitting the grant.

Councilmember O'Connell said she didn't understand the specifications of what we need and the grant money. **O'Leary** said the specifications call for variable high quality radios with a number of safety features developed by the four agencies to meet their needs and all the radios need to be the same. The notice to bidders said the mobile and portable radios must be P25 compliant. The specifications themselves say the radios must be P25 compliant. The City Council back in July passed a Resolution for the City to submit the grant on behalf of the four agencies which the FCC stated all public safety agencies need to switch from wide-band radios to narrow-band radios and be P25 compliant by January 1, 2013 and San Mateo County Agencies plan to be in compliance in 2011. **O'Leary** went on to explain what the specifications in the bid process were vs. those submitted by Mr. Williams.

Councilmember Ibarra said Mr. Williams case is compelling, he asked can this agency set specifications and stick by them, whether they are viable or not? **Interim City Attorney Lanzone** said agencies do that all the time and we can set specifications any way we want.

Councilmember Ibarra do our specifications affect the grant? **O'Leary** said the specs were submitted as part of the application. FEMA verbally said they anticipate the radios P25 compliant.

Vice Mayor Salazar said the P25 is the digital infrastructure for radio communications, which we currently do not have in place and are not going to use immediately. The grant has language that says these things need to be included but from a functionality standpoint, we are not going to be using it. He asked if other agencies are using 512 channels? **O'Leary** said he didn't believe they were. Two agencies in San Mateo County are using the radios. He said the cost difference in the bids is the issue of P25.

Vice Mayor Salazar asked if the other bidders met the specifications? **O'Leary** said one of the requirements stipulated in the bid was the bidder needed to submit sufficient literature to make sure it met the City's specifications and requirements. The second bidder did not submit any literature.

Councilmember Medina asked how many years has the Fire Chief been working? **Fire Chief Haag** said 32. **Councilmember Medina** asked for the Chief's assessment? **Fire Chief Haag** said this was collaboration between four agencies. He said he didn't think these units were over the top but they were high quality units, same equipment, interchangeable and compatible and that was one of the focuses of the FEMA grant.

Daryl Jones, 32 years of experience in public safety communications, and contractually responsible for the fire communication systems throughout the County of San Mateo. He said it was unlikely the fire service in San Mateo County will ever have a P25 radio system; however, if a firefighter has to go out of their jurisdiction, having a radio with various channels in P25 mode would be beneficial.

John Singer, San Mateo County resident, Metro Mobile Communications said the bid specifications were clear, it said with narrow band capability and P25 compliant.

Williams wrapped up his arguments and stated the radios are pretty much the same.

Bill Bower, Kenwood Factory, said the Federal agencies would bring their digital phones with them

Mayor Ruane said these specifications were not set out for opinions; they are based on what the specifications are. Were the specifications bid as set forth, he did not believe so.

Vice Mayor Salazar said the email was misleading.

Councilmember Medina said it is about the specifications.

M/S Ibarra/Medina to deny the appeal based on the information and staff report and passed with all ayes.

e. Receive Report and Provide Direction Related to Adoption of 2010 Building Code Updates.

Community Services Director Akin gave an overview of the staff report and pointed out the new green code only applies to new construction and recommended the Tier 1 requirements be adopted and asked for questions.

Vice Mayor Salazar asked if the builders need to be certified which might put one builder at a disadvantage over another if they are not qualified? **Akin** said if they don't have a qualified builder they would not pass plan-check. **Building Official Lepori** said there are certain certifications they might need.

Vice Mayor Salazar what amount of effort to get Community Services up to speed? **Akin** said there is going to be a learning curve, a lot of training and reference to code books. **Vice Mayor Salazar** asked about the cost? **Akin** said they are budgeted and it will take effect some time late February.

Councilmember Ibarra said his concern is energy compliance. Documents and paperwork has grown. He asked the building department make it clear what they want.

f. Adopt Resolution Authorizing the City Manager to Execute a Contract with RMC Water and Environment in an Amount Not to Exceed \$309,420 for the Development of a Sewer Master Plan.

Public Services Director Fabry gave background of the staff report through a power point presentation and asked for questions.

Councilmember Medina asked if there is a state mandate on how often this needs to be done? **Fabry** said no.

Councilmember Medina asked what is the best management practice? **Fabry** said it is on a case-by-case basis. She said to update at least each ten years.

Vice Mayor Salazar said looking at cease and desist order that has a requirement for a system evaluation and capacity assurance plan, is that directly related? **Fabry** said yes.

Vice Mayor Salazar said given what was outlined in 2000; have all the concerns that were raised been met? **Fabry** said the main focus was on capacity, improvement I&I, replacement of sewer mains and upgrade our pump stations. Not all of those were implemented.

Vice Mayor Salazar asked if this study was postponed for another year and the monies used elsewhere? **Fabry** said she could not meet the time requirements.

Alan Braun, Claremont Dr. said if the sewer transmission lines are worked on, to be sure PG&E gas lines are checked.

Councilmember Ibarra said this Council made a commitment to upgrade the infrastructure.

Councilmember O'Connell introduced the resolution for adoption and passed with four yeas and one nay, Vice Mayor Salazar.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Receive Annual Report from the Traffic & Safety Committee (moved to follow Item 8.)

12. COMMENTS FROM COUNCIL MEMBERS:

Mayor Ruane thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

Councilmember Medina requested a diligent look at where we are at and the project of where we will be on June 30.

13. CLOSED SESSION:

Mayor Ruane said they would be going into closed session with no reportable action.

a. Consider Appointment of City Attorney (Cal Gov't Code Section 54957).

b. Closed Session to Confer with Legal Counsel Regarding Anticipated Litigation (one case) (Cal Gov't Code Section 54954.5).

14. ADJOURNMENT:

Mayor Ruane closed this meeting at 9:14 p.m. The next Council Meeting will be held on January 11, 2011 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
January 11, 2011

Carol Bonner, City Clerk

Jim Ruane, Mayor